In the Punjab and Haryana High Court, Chandigarh.

FAO No.142 of 2003 (O&M)
Date of decision: 01.10.2007.

Radhey Chaudhary and another ... Appellants.

Versus

Union of India ... Respondent

Present: Mr.BL Gulati, Advocate, for the appellants.

Mr.Jagdish Marwah, Standing Counsel,for the respondent.

PERMOD KOHLI, J. (Oral):

C.M. No.23923-CII of 2006 has been filed for restoration of the appeal which was dismissed for non-prosecution on 24.10.2006.

For the reasons stated in the application, the same is allowed. Appeal is restored to its original number.

On the request of the learned counsel for the parties, the appeal is taken up for final disposal at the motion stage.

Earlier Mr.Jagdish Marwah, Advocate, had appeared on behalf of the respondents on 2.8.2007. Today none appeared on behalf of the respondent. Mr.Jagdish Marwah, Advocate, has been called for. He has put in appearance on behalf of the respondent.

Mr. Gulati, learned counsel for the appellants submits that this matter is covered by a judgment of this Court rendered in FAO No.3296 of 2002 (Smt. Rita Devi Vs. Union of India), decided on 20.04.2007. Photostat copy of the judgment delivered in the above said appeal has been placed on record. Mr. Marwah had appeared on behalf of the respondent in the aforesaid case also.

Learned counsel for the parties have agreed that this appeal is squarely covered by the judgment of this Court which is based upon a judgment of the Hon'ble Apex Court in the case of Sabitri Sahoo Vs. Union of India, Civil Appeal No.3753 of 2003, decided on 25.04.2003.

In view of the above, the appellant is held entitled to enhanced compensation of Rs.4 lacs. He is also held entitled to interest at the rate of 9% p.a., from the date of filing of the claim petition till actual realisation, as given in Sabitri Sahoo's (supra) and followed in Smt.Rita Devi's case (supra).

With the above said observations, the appeal stands disposed of.

A copy of this order be given dasti to the learned counsel for the parties for immediate compliance.

01.10.2007 (PERMOD KOHLI)
BLS JUDGE